



## **Report to the Legislature**

# **Services to Persons with Disabilities who have community protection issues or are diverted/Discharged from State Hospitals**

Chapter 7, Laws of 2001, E2, Section 205(1)(C) Uncodified

(Public Safety Proviso)

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Chapter 7, Laws of 2001, E2, Section 205(1)(c) called the Public Safety Proviso, requires the Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

## **BACKGROUND**

### **Prison Discharge Clients**

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for 26 developmentally disabled individuals upon their release from the Department of Corrections (DOC). These funds were provided at an average daily rate of \$275.00 per client/per day.

### **Hospital Discharge/Diversion Clients**

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a three-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 legislative session included \$6,673,000 to fund phases one and two of the collaborative work plan. Phase three of the work plan proposed to establish involuntary treatment facilities. Phase three was not initially funded. The legislature instead

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required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The legislature authorized funds to support phase three at the state psychiatric hospitals in the 2001-2003 operating budget.

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for 18 developmentally disabled individuals upon their release from state psychiatric hospitals and 30 developmentally disabled individuals who utilized diversion beds in an effort to avoid unnecessary hospitalization. These funds were provided at an average daily rate of \$275.00 per client/per day.

### **STATUS**

#### **Prison Discharge Clients**

Eighteen individuals have been placed into the Division's Community Protection Program this biennium. Fourteen were from the Department of Corrections; three were from DSHS's Juvenile Rehabilitation Administration, and one from the federal prison system. The average daily rate is \$292.99. (See Attached Spread Sheet).

During the last quarter (April 2002 through June 2002), seven individuals have been placed. All seven individuals were incarcerated for sexual offenses. Six of them participated in psychosexual treatment while incarcerated, and one refused treatment.

JB was arrested three times before being sent to prison for two counts of First Degree Child Molestation. Prior to his incarceration, he lived with his family, and the only support he received was vocational training. He refused to participate in the Sex Offender Treatment Program available at Twin Rivers Corrections Center and will be on community supervision for 120 months. Since moving to the DDD Community Protection Intensive Supported Living Program (CPISLP), JB participates in individual weekly therapy with a Sex Offender Treatment Professional (SOTP). He lives in a home with one other individual and receives 24-hour line of sight supervision. JB registers as a Level 2 Sex Offender.

JER had 21 arrests since turning 18, primarily for misdemeanor crimes such as disorderly conduct, malicious mischief, obstructing a public

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servant, public indecency, and reckless burning. He had a prior felony conviction for Assault in the third degree, for which he received 24 months probation. He was released from DOC in August after serving time for Rape in the Second Degree. He was found eligible for DDD services in 1974, but had never received paid services. He currently receives CPISLP services in a home with alarms on the doors and windows, and receives 24-hour supervision. He has been identified as a Dangerous Mentally Ill Offender (DMIO) and registers as a Level 1 Sex Offender. JER does not currently receive ongoing mental health services and supports but does have regular and ongoing DDD contracted sex offender treatment from an SOTP.

KH was charged with Rape of a six year old girl in 1997. She received a Sex Offender Sentencing Alternative (SOSA) to reside in a DDD funded Community Protection Program, but ran away after 20 days. She was arrested for probation violation and served the remainder of her time in DOC custody. Prior to her living in the CP residential setting in 1997, she had not received any services from DDD. She currently lives with another female in a CPISLP with 24 hour supervision and attends therapy sessions with a Sex Offender Treatment Professional. She registers as a Level 1 Sex Offender.

CT was released from prison after serving time for rape. He did not receive any paid services from the division prior to his offense. He currently lives in a CPISLP with two other roommates and receives 24 hour supervision. He registers as a Level 1 Sex Offender.

PS spent four years in foster care and then moved back with his family. He was made eligible for DDD services while in foster care when he was 12 years old, but received no paid services. He was convicted of First Degree Child Rape involving a 5 year old boy was sentenced to a Juvenile Rehabilitation Facility. While incarcerated, he received mental health services, guardianship services, and specialized therapies. He has been identified as a Dangerous Mentally Ill Offender (DMIO) and registers as a Level 2 Sex Offender. He is currently living in a CPISLP with two roommates and receives mental health services and treatment with a SOTP.

TH was convicted of First Degree Child Molestation. He used a gun to commit this crime. He was also charged with residential burglary. His psycho-sexual assessment describes him as aggressive, explosive, and impulsive. Prior to his conviction, he lived at home with his mother and received MPC. He is currently living in a CPISLP and registers as a Level 2 Sex Offender.

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Housing for individuals who must register as sex offenders is becoming increasingly hard to find. Division staff has participated in several public meetings held by the local law enforcement agencies for notification of registered sex offenders. All seven individuals have community corrections officers who are involved with the treatment team and interact regularly with the individuals and providers.

### **Hospital Discharge/Diversion Clients**

#### ***Hospital Outplacements***

The Division of Developmental Disabilities has placed twelve clients out of the state psychiatric hospital since July 1, 2001 with an average daily rate of \$275.59. (See attached spreadsheet. It is noted here that the division placed these 12 individuals using 11 funded outplacement slots).

For the quarter June 2002 through September 2002, two clients were placed into ITS services and one client returned to his previous Group Home setting. Prior to community placement, all three individuals received habilitative mental health services at Western State Hospital (WSH) as part of the WSH DDD Specialized Treatment Unit. These inpatient services included group and individual counseling services, community-based vocational services, and highly specialized individual treatment services and planning including positive behavioral support plans and functional assessments.

Prior to his admission to WSH, JH had lived in a variety of settings including his parents home, his own home receiving MPC, and an Adult Family Home. In addition, JH was homeless for a one-year period prior to his WSH admission. JH had been refusing mental health and DDD services with the exception of agreeing to occasional contacts from his DDD Case Manager. JH was admitted to WSH for sexual misconduct, aggression and the inability to care for himself as a result of a mental disorder. JH also has multiple serious medical conditions that require close monitoring. Because of his impairment, JH was unable to care for himself in this regard. JH was discharged to a DDD certified Community Protection Program where he gets 24-hour in-home supports. JH also receives regular, on-going treatment with a SOTP and receives intermittent mental health services through the local Crisis Center.

LL was admitted to WSH after being evicted from her mother's home where she went to live after being evicted from an Adult Family Home. LL had been experiencing mental health problems for several years but had

refused all mental health services prior to being civilly committed to WSH under RCW 71.05. After stabilizing in the hospital, LL began receiving residential support services from a DDD Certified Supported Living provider. She now has a guardian and has a mental health therapist/case manager. In addition, LL is working regularly with a vocational provider, although to date, she is not stable enough to maintain employment. LL and the vocational provider continue to work towards finding stable employment.

GM is an individual whose previous supports had been partially funded through the public safety proviso in the diversion bed outplacement program in December 2001. GM was admitted to WSH after showing an increase in his psychiatric symptoms. GM was transferred from WSH to Harborview Hospital in Seattle due to problems related to his epilepsy and because he was not ready to return home, was again admitted to the crisis diversion bed. Once stabilized, GM was discharged back to his group home with increased supports. GM receives regular and on-going mental health services, including psychiatric, therapy and case management. GM is also employed and attends work frequently, when he is doing well.

#### ***Diversion Bed Outplacements***

The Division of Developmental Disabilities has placed twenty clients into the community from the crisis diversion beds since July 1, 2001, with an average daily rate of \$271.66 (See attached spreadsheet). Because the division used unspent funds from outplacement client JE to enhance current residential supports for client GM, we were able to increase GM's supports within the existing outplacement funds.

For the quarter April 2002 through June 2002, three clients were placed from Diversion Beds into proviso-funded residential services and supports.

DH had been living in an apartment with a housemate and had been receiving 2 hours per day of in-home Supported Living Services (SL/S). DH had been sent to jail after starting a fire in his apartment. While in jail, he was sent to WSH for competency evaluation and returned to jail after his evaluation. He was also having behavioral difficulties attributed to mental illness. He spent several more days in jail before all legal charges were dropped. DH was homeless because he could not return to his apartment and was admitted to the diversion bed. He received mental health treatment and other supports while in the diversion bed and was discharged to a DDD Certified Community Protection Residential Program. DH now receives 24-hour supports, and has regular and on-going contact with an SOTP. He receives intermittent mental health

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services through a licensed mental health center and is in process of being referred to an employment provider.

DS had been receiving 7 hours a month of in-home Supported Living Services prior to his admission to a diversion bed. DS's father had recently passed away, leaving DS without a legal guardian and without regular family contact. While DS had a history of serious mental health problems prior to this, he began experiencing an increase in symptoms after his father's death. As a result, DS was admitted to the crisis diversion bed. Now, with the funding from the public safety proviso, DS has increased SL/S services and supports and receives mental health and psychiatric services regularly. DS also has his brother Michael as his new guardian and this is working out well.

As noted above, under the "*Hospital Outplacements*" section of this report, GM was previously funded with a small amount of proviso funding from the hospital outplacement program in August 2002 and the diversion bed outplacement program in December 2001. Because there were additional funds left over from serving another client, those funds were given to GM to further enhance his supports. As noted above, GM has stabilized as a result of receiving these increased supports.

**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**

Diversion Bed Outplacements					Type of Services				Expenditures	
Region	Client Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
4	#1 AH	Family Home	7/26/2001	432	\$ 246.00	\$ 24.00	\$ -	\$ -	\$ 270.00	\$ 116,640.00
6	#2 MA	Group Home	8/19/2001	408	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 112,159.20
1	#3 JP	Adult Family Home	11/1/2001	334	\$ 234.39	\$ 24.00	\$ -	\$ -	\$ 258.39	\$ 86,302.26
3	#4 CS	Adult Family Home	11/1/2001	334	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 91,816.60
6	#5 GM	Group Home	12/1/2001	304	\$ 42.03	\$ 24.00	\$ 10.00	\$ 10.00	\$ 86.03	\$ 26,153.12
2	#6 MH	Group Home	12/17/2001	288	\$ 267.15	\$ -	\$ -	\$ 10.00	\$ 277.15	\$ 79,819.20
4	#7 TR	Adult Family Home	12/20/2002	285	\$ 235.05	\$ 24.00	\$ 10.00	\$ -	\$ 269.05	\$ 76,679.25
6	#8 JE	Adult Family Home	1/7/2002	267	\$ 212.87	\$ 24.00	\$ 10.00	\$ 10.00	\$ 256.87	\$ 68,584.29
2	# 9 OH	ITS	2/1/2002	242	\$ 250.89	\$ 24.00	\$ -	\$ -	\$ 274.89	\$ 66,523.38
4	#10 MS	Parents Home	3/1/2002	214	\$ 249.50	\$ 24.00	\$ -	\$ -	\$ 273.50	\$ 58,529.00
5	#11 OL	Homeless	3/1/2002	214	\$ 263.33	\$ 18.00	\$ -	\$ 10.00	\$ 291.33	\$ 62,344.62
3	#12 AE	Adult Family Home	3/15/2002	200	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 54,980.00
1	#13 BW	Adult Family Home	3/29/2002	186	\$ 242.41	\$ 17.34	\$ -	\$ 10.00	\$ 269.75	\$ 50,173.50
5	#14 WF	ITS	4/2/2002	182	\$ 227.84	\$ 20.00	\$ -	\$ 10.00	\$ 257.84	\$ 46,926.88
2	#15 CP	Ind Provider	5/15/2002	139	\$ 245.03	\$ 21.37	\$ -	\$ -	\$ 266.40	\$ 37,029.60
3	#16 TD	ITS	6/1/2002	122	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 33,537.80
1	#17 SG	homeless	6/28/2002	95	\$ 210.00	\$ 16.43	\$ -	\$ 8.21	\$ 234.64	\$ 22,290.80
6	#18 GM	ITS/SL	8/22/2002	40	\$ 36.78	\$ -	\$ -	\$ -	\$ 36.78	\$ 1,471.20
6	#19 DS	AFH & ITS	9/6/2002	25	\$ 168.10	\$ -	\$ 10.00	\$ 10.00	\$ 188.10	\$ 4,702.50
5	#20 DH	ITS/SL	9/26/2002	5	\$ 249.77	\$ 20.00	\$ -	\$ 10.00	\$ 279.77	\$ 1,398.85
Average for Diversion Bed Outplacements									*271.66	\$ 1,098,062.05
Hospital Outplacements					Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate		
6	#1 JC	WSH	9/10/2001	386	\$ 254.90	\$ -	\$ 10.00	\$ 10.00	\$ 274.90	\$ 106,111.40
3	#2 ST	WSH	8/1/2001	426	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 117,107.40
4	#3 DH	WSH	10/22/2001	344	\$ 207.80	\$ 24.00	\$ -	\$ -	\$ 231.80	\$ 79,739.20
5	#4 LM	WSH	12/28/2001	277	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 76,144.53
5	#5 RG	WSH	12/28/2005	277	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 76,144.53
2	#6 ES	ESH	12/6/2001	299	\$ 258.67	\$ 24.00	\$ -	\$ 14.80	\$ 297.47	\$ 88,943.53
6	#7 KS	WSH	1/31/2002	243	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 66,800.70
4	#8 AH	WSH	2/1/2002	242	\$ 249.50	\$ 24.00	\$ 6.60	\$ 14.50	\$ 294.60	\$ 71,293.20
5	#9 KT	WSH	5/1/2002	153	\$ 243.96	\$ 20.00	\$ -	\$ 10.00	\$ 273.96	\$ 41,915.88
6	#10 LL	WSH	8/21/2002	41	\$ 171.25	\$ -	\$ 10.00	\$ 5.00	\$ 186.25	\$ 7,636.25



**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**

6	#11 GM	WSH	8/22/2002	40	\$ 88.59				\$ 88.59	\$ 3,543.60
	#12 JH	WSH	8/1/2002	61	\$ 244.00	\$ 30.00	\$ -	\$ 10.00	\$ 284.00	\$ 17,324.00
<b>Average for Hospital Outplacements</b>									<b>\$ 275.59</b>	<b>\$ 752,704.22</b>
					(inlcudes 5th quarter days in service)					
<b>Prison Outplacements</b>		<b>Previous Residence</b>	<b>Residential Start Date</b>	<b>Number of Days in Service</b>	<b>Residential Daily Rate</b>	<b>Day Services Daily Rate</b>	<b>Other Daily Rate</b>	<b>Therapies Daily Rate</b>		
6	#1 SB	DOC	7/1/2001	457	\$ 307.14	\$ -	\$ 3.61	\$ 26.27	\$ 337.02	\$ 154,018.14
6	#2 PR	DOC	7/1/2001	457	\$ 247.50	\$ -	\$ 20.88	\$ 26.27	\$ 294.65	\$ 134,655.05
5	#3 TC	DOC	11/21/2001	314	\$ 240.01	\$ 20.00	\$ -	\$ 14.80	\$ 274.81	\$ 86,290.34
3	#4 TB	DOC	1/1/2002	273	\$ 273.00	\$ 26.97	\$ -	\$ 10.00	\$ 309.97	\$ 84,621.81
3	#5 DT	DOC	2/1/2002	242	\$ 273.00	\$ 26.00	\$ -	\$ 10.00	\$ 309.00	\$ 74,778.00
4	#6 EW	Juvenile Rehab	3/1/2002	214	\$ 320.62		\$ 6.57		\$ 327.19	\$ 70,018.66
5	#7 DB	DOC	3/1/2002	214	\$ 262.13	\$ 20.00	\$ -	\$ 15.00	\$ 297.13	\$ 63,585.82
3	#8 JB	Juvenile Rehab	4/2/2002	182	\$ 272.00	\$ 20.00		\$ 10.00	\$ 302.00	\$ 54,964.00
6	#9 JWB	DOC	6/20/2002	102	\$ 244.00	\$ 20.00		\$ 17.37	\$ 281.37	\$ 28,699.74
4	#10 DO	DOC	5/28/2002	126	\$ 239.87	\$ 20.00		\$ 12.00	\$ 271.87	\$ 34,255.62
4	#11 MC	Fed DOC	4/24/2002	176	\$ 244.08	\$ 20.00		\$ 12.00	\$ 276.08	\$ 48,590.08
1	#12 JB	DOC	8/14/2002	48	\$ 260.72	\$ 16.44		\$ 10.00	\$ 287.16	\$ 13,783.68
1	#13 JR	DOC	8/15/2002	47	\$ 260.72	\$ 16.44		\$ 10.00	\$ 287.16	\$ 13,496.52
2	#14 KH	DOC	7/31/2002	62	\$ 260.25	\$ 24.00		\$ 14.79	\$ 299.04	\$ 18,540.48
2	#15 CT	DOC	8/15/2002	47	\$ 231.15	\$ 19.98	\$ 10.91	\$ 11.83	\$ 273.87	\$ 12,871.89
4	#16 BW	DOC	8/18/2002	44	\$ 245.93	\$ 24.00	\$ 6.57	\$ 16.27	\$ 292.77	\$ 12,881.88
5	#17 PS	Juvenile Rehab	8/21/2002	40	\$ 229.30	\$ 19.98		\$ 14.79	\$ 264.07	\$ 10,562.80
5	#18 TH	DOC	9/26/2002	5	\$ 254.06	\$ 19.98		\$ 14.79	\$ 288.83	\$ 1,444.15
<b>Average for Prison Outplacements</b>									<b>\$ 292.99</b>	<b>\$ 918,058.66</b>
Total Average Daily Expenditures									<b>\$ 280.75</b>	
Total Expenditures to Date										<b>\$ 2,768,824.80</b>

All entries have been uupdated to reflect 5th quarter total days.

**Note:**

\* An additional client (#5, 18) was able to return to his group home placement with diversion bed outplacement funds to increase his current level of supports. These funds were left over from serving other clients and therefore are left out of average daily rate.